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Candace Havens
Director

MEMORANDUM

DATE: May 23, 2014

TO: Alderman Marcia T. Johnson, Chairman
Members of the Zoning and Planning Committee

FROM: Candace Havens, Director of Planning and Development
James Freas, Chief Planner for Long Range Planning 

RE: Docket Item #47-14(2) Sarah Quigley et al. petition to re-zone city-owned land located at 28 Austin Street, Ward 2, identified as Section 24, Block 9, Lot 15 from Mixed Use 4 district to either Public Use District or Business 1 District.

MEETING DATE: May 28, 2014

CC: Board of Aldermen
Planning and Development Board
Donnalyn Kahn, City Solicitor

EXECUTIVE SUMMARY

This citizen-initiated petition, represented by docket #47-14(2), requests that the Board of Aldermen consider rezoning the Austin Street parking lot to Public Use or Business 1 (BU1). The lot was designated Mixed Use 4 (MU4) in October, 2012. A public hearing on this petition was held May 15, 2014 during which a number of perspectives were raised on the potential development of this site. Staff strongly believes that, after a thorough decision-making process, the Mixed-Use 4 (MU4) District is the right district to shape the development of the Austin Street parking lot. MU4 will allow for a development that is responsive to Newton's changing demographic character and support the revitalization of the Newtonville village center. These ideas were well represented in the comments received during the public hearing May 15th. With the announcement of the Mayor's selection of a development team on May 23, it is critically important that the City be prepared with zoning on this site that will provide guidance to the developer in creating a project proposal (along with the input supplied through the community engagement process centered on project design) and support the

Board's special permit review process.

The following were specific comments or questions raised during the May 15th public hearing:

- How about a park instead of allowing development?
 - The past work of staff, the Board of Aldermen, and the Joint Advisory Group concluded that the development of this site with a mixed use building offered the greatest benefit to Newtonville and would accomplish many City goals for housing and economic development. However, all of those who have worked on the potential development of this site have also concluded that added parkspace would also bring value, as part of the overall project design. As a result, the MU4 zoning district requires that 5% of the lot be devoted to beneficial public open space.
- The BU1 Zoning would keep village feel.
 - The Business 1 Zoning District (BU1) is a very basic commercial zoning district that does little to define the type of development desirable in Newton's village centers. The MU4 district clearly establishes that development in the Village Centers must be strongly pedestrian oriented and achieves that objective through clear rules regarding the location and design of new buildings.
- MBTA Indigo Line
 - The so-called Indigo Line is a long range proposal by the MBTA to introduce light rail style service to the commuter rail line from Brighton to Riverside with stops at Newtonville, West Newton, Auburndale and Riverside. As proposed, this service would replace the existing commuter rail service. At this time this proposal is neither funded nor scheduled. As it stands, with commuter parking available at Riverside, Auburndale, and West Newton, it is unlikely that the City or MBTA would encourage commuter parking at Newtonville, treating the station, as many other stations in the system are, as a more local community serving station.
- Vibrancy exists already
 - There are a number of very successful businesses in Newtonville that contribute to the success and vibrancy of the village. The long term vibrancy of the village center though, one that thrives even as individual businesses come and go, requires a sustainable local market – local residents and foot traffic – and an environment that is itself interesting and engaging. Parking lots do not offer those benefits, but combining public parking with buildings, open space, and retail shops creates those benefits, maintains available parking, and significantly enhances the vibrancy of the village.

- Traffic will only get worse
 - The developer will be required to complete a traffic study, which will be evaluated as part of the normal special permit review process. Results of such a study will identify traffic management measures to best manage traffic.
- Education costs will be excessive and development will be a net drain on City resources
 - Fiscal impacts will be one of a number of important considerations as the development team works with City staff and the community in creating the project framework and design. A fiscal impact analysis will be used to understand potential future costs, including those that might come with educating children living in the new building.
- Village needs lighting; flowers; safety.
 - The City is undertaking plans to improve the design of Walnut Street inclusive of sidewalk expansion, decorative lighting, and overall improvements to the streetscape and pedestrian safety. This street work and the proposed development at Austin Street together will serve to enhance Newtonville.
- The MU4 zoning on this lot constitutes “spot zoning.”
 - The Law Department has reviewed this claim and concluded that the rezoning of this property to MU4 does not constitute “spot zoning.” Instances of spot zoning arise when an area is rezoned as a stand-alone action unsupported by public purpose or objective. The issue in any spot zoning challenge is whether the re-zoning was supported by planning rationale and public benefits. The objective in creating the MU4 district and then re-zoning the Austin Street parking lot was supported by extensive planning studies, starting first with the *Comprehensive Plan*. The MU4 district was specifically designed with the type of uses and contextual dimensional controls necessary to permit mixed use development that would support the character and function of Newton’s village centers. The rezoning of the Austin Street parking lot was clearly done in the pursuit of a defined public objective to support the revitalization of Newtonville.
- Would limit a future, better TOD including the possibility of decking over the highway.
 - Enhancing the Austin Street parking lot does not preclude future enhancements to the village and would complement future development in the village, including any future proposal to develop air rights over Route 90.

- Parking during construction
 - Parking during construction is a very important priority and one that factored into the developer selection process. Ultimately, the solution will be developed in conjunction with the development team and the community prior to construction.
- There should be a comprehensive Master Plan for Newtonville
 - The opportunity to improve the Austin Street parking lot is based on concepts set forth in the City's *Comprehensive Plan* and the decision was made with full consideration of the entire village area. Further, there will be significant community engagement during the development of the project framework and design which can include consideration of the overall village area and other actions that could be taken to support the ongoing vitality of the village.

RECOMMENDATION AND NEXT STEPS

The Planning Department recommends that docket item #47-14(2) be voted 'no action necessary' (NAN) and that the particular issues and concerns expressed during the public hearing of May 15, 2014 on this docket item and of March 25, 2014 on docket #47-14 be fully considered as part of the special permit review process.